

**HUMAN RESOURCES MEMORANDUM**  
**#4-2022**

**DATE:** May 9, 2022

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager *hmg*

**FROM:** Tamara Dixon, Human Resources Director and Chief Diversity Officer *TD*

**SUBJECT:** CR-84 – State Paid Family Leave Program Opt-Out

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**PURPOSE**

To consider CR-84, a resolution authorizing the City to opt out of the State's paid family leave program.

**BACKGROUND**

Colorado's FAML I Act requires employers to remit premiums to the Division of Family and Medical Leave Insurance (FAML I) to fund the FAML I program or provide their own paid leave program to qualify for an exemption. The City implemented a Paid Family and Caregiver Leave (PFCL) program in March of 2021. The PFCL program is a more inclusive benefit to employees and does not require the administrative burden of the FAML I program. The PFCL program would qualify the City to be exempt from the FAML I program.

To opt out of the FAML I program, the City must provide employees with notice of intent to opt-out in advance of a Council vote to do so. Notice was provided to employees on April 18, 2022. A similar notice must be sent to employees within 30 days of the Council vote to opt out of the FAML I program. At that time, any City employee could choose to opt in to the State's FAML I program individually. Note that doing so would exempt them from participation in the City's PFCL program.

The City Manager and Human Resources Director did receive an email of support for the opt-out by Paul Gesi, President of the Northglenn Fraternal Order of Police Lodge 23.

**BUDGET/TIME IMPLICATIONS**

There are no financial or time impacts to the City.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-84.

**STAFF REFERENCE**

If Council members have any questions, please contact Tamara Dixon, Human Resources Director and Chief Diversity Officer, at [tdixon@northglenn.org](mailto:tdixon@northglenn.org) or 303.450.8877.

**ATTACHMENTS**

1. April 18, 2022, notice to employees
2. Email of Support from Northglenn Fraternal Order of Police Lodge 23


**Human Resources Department**

City Hall  
 11701 Community Center Drive  
 Northglenn, CO 80233  
 P: 303.450.8761  
 F: 303.354.7610  
[human\\_resources\\_dept@northglenn.org](mailto:human_resources_dept@northglenn.org)

## **NOTICE TO CITY EMPLOYEES OF A CITY COUNCIL VOTE DECIDING PARTICIPATION IN THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT**

Notice is hereby given to City Employees that a City Council vote will be held on May 9, 2022, at 11701 Community Center Drive in the City Council Chambers, City of Northglenn, Colorado, at 7:00 p.m., or as soon thereafter as the matter may be heard, to decide whether the City will decline or accept participation in the Paid Family and Medical Leave Insurance Act (“FAMLI Act”). At that time, public comment will be heard on the matter.

### **FAMLI ACT AND CITY’S PAID FAMILY AND CAREGIVER LEAVE**

The City Council will vote on whether the City will participate in the state’s FAMLI Act or opt out by providing its own wage replacement benefits to City Staff. Employees may speak during the public comment section to voice their support or opposition to participating in the FAMLI Act. A majority of a quorum of City Council members must vote to decide whether the City will opt in or opt out of the Act.

Under the FAMLI Act, covered individuals can take up to 12 weeks of paid aggregate family or medical leave for the following qualifying reasons: to care for a new child, care for their own health or for a family member, take exigency leave or safe leave, and for pregnancy and childbirth complications.

Employers who opt in to the Act must submit insurance premiums to the state on behalf of their employees through a payroll tax split evenly between employers and employees with the tax initially set at 0.9%, and eventually capped at 1.2%, of the employee’s annual wages.

Employers who opt out of the Act must provide the same amount and level of paid aggregate leave, or a more generous amount and submit proof of this policy to the FAMLI Division.

#### **What the FAMLI Act Requires:**

- 12 weeks of paid aggregate family or medical leave
- Employees will receive paid leave amounting to:
  - 90% of their average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and
  - 50% of the portion of their wages that exceeds the state average weekly wage.
- Employee/Employer pay 0.45% each of the employee’s annual wages to the FAMLI Division as an insurance premium, deducted from the employee’s paychecks.
- FMLA Leave will run concurrently with the Act.

#### **What the City provides through its Paid Family and Caregiver Leave:**

- 12 weeks of paid aggregate family, medical or domestic violence leave

- Employees will receive paid leave amounting to:
  - 100% of their wage by use of 80 hours (two weeks) of general leave; and
  - 100% of their wages paid by the City for ten weeks.
- Paid Family and Caregiver Leave runs concurrently with the FMLA when applicable.

### **Employees May Opt-In**

Even if the City votes to opt out of the FAMILI Act, an employee may individually opt in to the Act by contacting the FAMILI Division at [CDLE FAMILI info@state.co.us](mailto:CDLE_FAMILI_info@state.co.us). Note that any employee who opts in to the Act is not eligible for the City's Paid Family and Caregiver Leave program.

The City will be required to collect and submit premiums to the state on behalf of the employee if the employee chooses to opt in.

**From:** [Heather Geyer](#)  
**To:** [Paul Gesi](#); [Tamara Dixon](#)  
**Subject:** RE: FOP position on participation in family and leave act  
**Date:** Tuesday, April 26, 2022 1:01:00 PM  
**Attachments:** [image001.png](#)

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Thank you.

**Heather Geyer**

**(she, her, hers) [What's This?](#)**

*City Manager, ICMA-CM*



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**From:** Paul Gesi <[pgesi@northglenn.org](mailto:pgesi@northglenn.org)>  
**Sent:** Friday, April 22, 2022 3:13 PM  
**To:** Tamara Dixon <[tdixon@northglenn.org](mailto:tdixon@northglenn.org)>; Heather Geyer <[hgeyer@northglenn.org](mailto:hgeyer@northglenn.org)>  
**Subject:** FOP position on participation in family and leave act

Hello,

I would just like to share with you, so it can be communicated to council, that the FOP's position is that the City 'opt out' of the FAMLI act state system, and leave things status quo. Our current benefit is better and we think local autonomy is important.

Thank-you.

Paul Gesi, President  
Fraternal Order of Police Lodge 23.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-84  
Series of 2022

\_\_\_\_\_  
Series of 2022

A RESOLUTION DECLINING CITY OF NORTHGLENN, COLORADO PARTICIPATION IN THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT ("FAMLI ACT")

WHEREAS, pursuant to the state's FAMLI Act, C.R.S. § 8-13.3-501, *et. seq.*, employers are required to remit premiums to the Division of Family and Medical Leave Insurance to fund the FAMLI program or provide their own paid leave program to qualify for an exemption, while local governments may opt out of the program pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, the City provides its own comparable paid family and caregiver leave to its employees and desires to decline participation in the program pursuant to C.R.S. § 8-13.3-522.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City hereby declines participation in the FAMLI program pursuant to C.R.S. § 8-13.3-522.

DATED, at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney